

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

VANN JACKSON,

Petitioner,

v.

CARL HUMPHREY, Warden,

Respondent.

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Civil Action No. 7:09-CV-54 (HL)

ORDER

The Recommendation of United States Magistrate Judge G. Mallon Faircloth, entered December 8, 2009 (Doc. 17), in the above-captioned case is before the Court. Petitioner has not filed written objections to the Recommendation, as permitted by 28 U.S.C. § 636(b)(1). Magistrate Judge Faircloth recommends that Respondent's Motion to Dismiss Petition as Untimely (Doc. 9) be granted and Petitioner's § 2254 petition dismissed, as the petition is untimely under the AEDPA.

The Court has reviewed the Recommendation and finds no clear error in the Magistrate Judge's decision. Accordingly, the Court accepts the Recommendation to grant Respondent's Motion to Dismiss (Doc. 9) and dismiss Petitioner's habeas petition. Petitioner's Motion to Appoint Counsel (Doc. 16) is denied.

SO ORDERED, this the 11th day of January, 2010.

s/ **Hugh Lawson**
HUGH LAWSON, SENIOR JUDGE

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